MONTANA LEGISLATIVE HISTORY

Chapter 246 (~~25~~) 1993

Bill H _____ S 111 Original bill & history ✓ C

H. Committee on Business & Econ. Dev. S. Committee on Business + Industry

Hearing Date(s)		C	Hearing Date(s)		C
	3/9	✓ C		2/18	✓ C
		C			C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ___Yes ___No ✓

Committee _____ Report _____

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SB 411 INTRODUCED BY BIANCHI

REVISE REAL ESTATE ADVERTISING

2/16	INTRODUCED		
2/16	REFERRED TO BUSINESS & INDUSTRY		
2/16	FIRST READING		
2/18	HEARING		
2/18	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/20	2ND READING PASSED	50	0
2/22	3RD READING PASSED	48	0
	TRANSMITTED TO HOUSE		
2/23	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
2/23	FIRST READING		
3/09	HEARING		
3/09	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/11	2ND READING CONCURRED	94	6
3/15	3RD READING CONCURRED	88	11
	RETURNED TO SENATE WITH AMENDMENTS		
3/18	2ND READING AMENDMENTS CONCURRED	49	0
3/19	3RD READING AMENDMENTS CONCURRED	47	0
3/24	SIGNED BY PRESIDENT		
3/25	SIGNED BY SPEAKER		
3/30	TRANSMITTED TO GOVERNOR		
4/01	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 246		
	EFFECTIVE DATE: 10/01/93		

SB 412 INTRODUCED BY AKLESTAD, ET AL.

CLARIFY BENEFICIAL USE OF PROPERTY HELD BY A PORT AUTHORITY IS EXEMPT FROM PROPERTY TAXATION

2/16	INTRODUCED		
2/16	REFERRED TO TAXATION		
2/16	FIRST READING		
2/16	FISCAL NOTE REQUESTED		
2/19	FISCAL NOTE RECEIVED		
2/23	FISCAL NOTE PRINTED		
3/09	HEARING		
3/09	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/10	2ND READING PASSED	46	0
3/11	3RD READING PASSED	48	0
	TRANSMITTED TO HOUSE		
3/12	REFERRED TO TAXATION		
3/12	FIRST READING		
3/17	HEARING		
3/19	COMMITTEE REPORT—BILL CONCURRED		
3/30	2ND READING CONCURRED AS AMENDED	84	14
4/01	3RD READING CONCURRED	83	16
	RETURNED TO SENATE WITH AMENDMENTS		
4/06	2ND READING AMENDMENTS CONCURRED	50	0
4/07	3RD READING AMENDMENTS CONCURRED	49	0
4/14	SIGNED BY PRESIDENT		
4/14	SIGNED BY SPEAKER		
4/15	TRANSMITTED TO GOVERNOR		
4/20	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 427		
	EFFECTIVE DATE: 04/20/93		

SENATE BILL NO. 411

INTRODUCED BY BIANCHI

IN THE SENATE

FEBRUARY 16, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.
	FIRST READING.
FEBRUARY 18, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 19, 1993	PRINTING REPORT.
FEBRUARY 20, 1993	SECOND READING, DO PASS.
FEBRUARY 22, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 48; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT.
	FIRST READING.
MARCH 9, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 11, 1993	SECOND READING, CONCURRED IN.
MARCH 15, 1993	THIRD READING, CONCURRED IN. AYES, 88; NOES, 11.
MARCH 16, 1993	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 18, 1993	RECEIVED FROM HOUSE.
	SECOND READING, AMENDMENTS CONCURRED IN.

MARCH 19, 1993

THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

Senate BILL NO. 411

INTRODUCED BY Bruce D.

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A REAL ESTATE BROKER OPERATING UNDER A FRANCHISE AGREEMENT TO DISCLOSE THE TRADE NAME, IF ANY, BY WHICH THE OFFICE IS KNOWN; REQUIRING A BROKER WHO IS ALSO THE PRINCIPAL TO DISCLOSE THAT FACT IN ADVERTISING CONCERNING THE PROPERTY; AND AMENDING SECTION 37-51-321, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-51-321, MCA, is amended to read:

"37-51-321. Revocation or suspension of license -- initiation of proceedings -- grounds. (1) The board may on its own motion and shall on the sworn complaint in writing of a person investigate the actions of a real estate broker or a real estate ~~salesman~~ salesperson, subject to 37-1-101 and 37-1-121, and may revoke or suspend a license issued under this chapter when the broker or ~~salesman~~ salesperson has been found guilty by a majority of the board of any of the following practices:

~~(1)~~(a) intentionally misleading, untruthful, or inaccurate advertising, whether printed or by radio, display, or other nature, which advertising in any material particular or in any material way misrepresents any property, terms, values, policies, or services of the business conducted. A broker who operates under a franchise agreement engages in misleading, untruthful, or inaccurate advertising if in using the franchise name ~~he~~ the broker does not incorporate ~~his~~ the broker's own name in the franchise name or logotype or does not conspicuously display, on ~~his~~ the broker's letterhead and other printed materials available to the public, a statement that ~~his~~ the broker's office is independently owned and operated and the trade name, if any, by which the office is known. The board may not adopt advertising standards more stringent than those set forth in this subsection.

~~(2)~~(b) making any false promises of a character likely to influence, persuade, or induce;

~~(3)~~(c) pursuing a continued and flagrant course of misrepresentation or making false promises through agents or ~~salesmen~~ salespersons or any medium of advertising or otherwise;

~~(4)~~(d) use of the term "realtor" by a person not authorized to do so or using another trade name or insignia of membership in a real estate organization of which the licensee is not a member;

~~(5)~~(e) failing to account for or to remit money coming into ~~his~~ the broker's or salesperson's possession belonging to others;

SB 411
INTRODUCED BILL

Montana Legislative Council

~~(6)~~(f) accepting, giving, or charging an undisclosed commission, rebate, or profit on expenditures made for a principal;

~~(7)~~(g) acting in a dual capacity of broker and undisclosed principal in a transaction, including failing to disclose in advertisements for real property the person's dual capacity as broker and principal;

~~(8)~~(h) guaranteeing, authorizing, or permitting a person to guarantee future profits which may result from the resale of real property;

~~(9)~~(i) offering real property for sale or lease without the knowledge and consent of the owner or ~~his~~ the owner's authorized agent or on terms other than those authorized by the owner or ~~his~~ the owner's authorized agent;

~~(10)~~(j) inducing a party to a contract of sale or lease to break the contract for the purpose of substituting a new contract with another principal;

~~(11)~~(k) accepting employment or compensation for appraising real property contingent on the reporting of a predetermined value or issuing an appraisal report on real property in which ~~he~~ the broker or salesperson has an undisclosed interest;

~~(12)~~(l) negotiating a sale, exchange, or lease of real property directly with an owner or lessee if ~~he~~ the broker or salesperson knows that the owner has a written,

outstanding contract in connection with the property granting an exclusive agency to another broker;

~~(13)~~(m) soliciting, selling, or offering for sale real property by conducting lotteries for the purpose of influencing a purchaser or prospective purchaser of real property;

~~(14)~~(n) representing or attempting to represent a real estate broker other than the employer without the express knowledge or consent of the employer;

~~(15)~~(o) failing voluntarily to furnish a copy of a written instrument to a party executing it at the time of its execution;

~~(16)~~(p) paying a commission in connection with a real estate sale or transaction to a person who is not licensed as a real estate broker or real estate ~~salesman~~ salesperson under this chapter;

~~(17)~~(q) intentionally violating a rule adopted by the board in the interests of the public and in conformity with this chapter;

~~(18)~~(r) failing, if a ~~salesman~~ salesperson, to place, as soon after receipt as is practicably possible, in the custody of ~~his~~ the salesperson's registered broker, deposit money or other money entrusted to ~~him~~ the salesperson ~~as salesman~~ in that capacity by a person;

~~(19)~~(s) demonstrating ~~his~~ unworthiness or incompetency

to act as a broker or ~~salesman~~ salesperson; or

~~(20)~~(t) conviction of a felony.

(2) It is unlawful for a broker or salesperson to openly advertise property, whether by means of printed material, radio, television, or display or by other means, unless the broker or salesperson has a signed listing agreement from the owner of the property. The listing agreement must be valid as of the date of advertisement. The license of a broker or salesperson who violates this subsection may be suspended or revoked as provided in subsection (1)."

-End-

CHAIRMAN--J.D. LYNCH
NORMAL SCHEDULE==> SITE: ROOM 410 DAYS: M,T,W,T,F TIME: 10:00 A.M.

SECRETARY-KRISTIE WOLTER

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
SB0411	2/16	2/18		PASS AS AMENDED		2/18
BIANCHI, DON			REVISE REAL ESTATE ADVERTISING			
SB0419	2/17	2/19		DO PASS		2/19
LYNCH, J.D.			USE NONFILING INSURANCE IN LIEU OF RECORDING OR OTHERWISE PERFECTING TITLE			
SB0420	2/17	2/19		PASS AS AMENDED		2/19
LYNCH, J.D.			COVER JOINT DEBTORS UNDER CREDIT LIFE OR CREDIT DISABILITY JOINT POLICY			
SB0423	2/18	2/19		TABLED ON 02/19		
LYNCH, J.D.			LIMIT NURSING HOME CHARGES FOR PRIVATE PAY RESIDENTS			
SB0430	3/08	3/25		DO PASS		3/27
CHRISTIAENS, CHRIS			GENERALLY REVISE INSURANCE LAWS			
SJ0016	2/11	2/17		DO PASS		2/17
JACOBSON, JUDY			URGE BD OF REGENTS TO REQUIRE CREDIT CARD APPLICATION DISCLOSURE ON CAMPUS			
SJ0020	2/15	2/18		PASS AS AMENDED		2/19
YELLOWTAIL, BILL			JOINT RESOLUTION URGING CONGRESS TO RESIST FINAL APPROVAL OF NAFTA			
SJ0027	2/18	2/19		DO PASS		2/19
CHRISTIAENS, CHRIS			URGE FUNDING FOR LEWIS & CLARK INTERPRETIVE CENTER			

MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & INDUSTRY

Call to Order: By J.D. Lynch, Chair, on February 18, 1993, at 10:00 a.m.

ROLL CALL

Members Present:

Sen. J.D. Lynch, Chair (D)
Sen. Chris Christiaens, Vice Chair (D)
Sen. Betty Bruski-Maus (D)
Sen. Delwyn Gage (R)
Sen. Tom Hager (R)
Sen. Ethel Harding (R)
Sen. Ed Kennedy (D)
Sen. Terry Klampe (D)
Sen. Francis Koehnke (D)
Sen. Kenneth Mesaros (R)
Sen. Doc Rea (D)
Sen. Daryl Toews (R)
Sen. Bill Wilson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Bart Campbell, Legislative Council
Kristie Wolter, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 74, SB 361, SJR 20, SB 411
Executive Action: SB 74, SB 411

HEARING ON SB 74

Opening Statement by Sponsor:

Senator Tom Hager, Senate District 48 stated 74 would allow detached facilities for banks in urban areas. He turned the floor over to John Cadby to explain further.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Senator Gage asked Senator Yellowtail if he would have any opposition to including the purchasing of gas subsidies in SJR 20. Senator Yellowtail stated he wouldn't object. Senator Gage asked Senator Yellowtail if he would mind if the Committee directed SJR 20 to the President as well as the members of the Delegation. Senator Yellowtail stated he wouldn't object and thought that was an excellent idea.

Closing by Sponsor:

Senator Yellowtail thanked the proponents to SJR 20 and stated NAFTA would have a wide range of impact on the state and the communities. He thanked the Committee for its suggestions of amendments to SJR 20. He stated SJR was a protectionist bill. He stated NAFTA would not allow for a level playing field in free trade among the nations.

HEARING ON SB 411

Opening Statement by Sponsor:

Senator Bianchi, Senate District 39, stated SB 411 would clean up the current language in the real estate laws. Referring to page 5, the last paragraph, he stated a realtor would not be allowed to list property which is not actually listed or for sale.

Proponents' Testimony:

Lance Clark, read from prepared testimony in support of SB 411 (Exhibit #9).

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Senator Rea asked Senator Bianchi if he would be opposed to an amendment proposed by Mr. Clark. Senator Bianchi stated he had no objections to the proposed amendment.

Closing by Sponsor:

Senator Bianchi closed on SB 411.

EXECUTIVE ACTION ON SB 411

Motion/Vote:

Senator Mesaros moved SB 411 BE AMENDED (410251SC. San). The motion CARRIED UNANIMOUSLY.

Motion/Vote:

Senator Mesaros move SB 411 DO PASS AS AMENDED. The motion CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 11:35 a.m.

SENATOR J.D. LYNCH, Chair

KRISTIE WOLTER, Secretary

JDL/klw

ROLL CALL

SENATE COMMITTEE Business & Industry DATE 2/18/93

NAME	PRESENT	ABSENT	EXCUSED
Senator Lynch	✓		
Senator Christiaens	✓		
Senator Bruski-Maus	✓		
Senator Gage	✓		
Senator Hager	✓		
Senator Harding	✓		
Senator Kennedy	✓		
Senator Klampe	✓		
Senator Kuehnke	✓		
Senator Mesaros	✓		
Senator Rea	✓		
Senator Toews	✓		
Senator Wilson	✓		

F08

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

February 18, 1993

MR. PRESIDENT:
We, your committee on Business and Industry having had under consideration Senate Bill No. 411 (first reading copy -- white), respectfully report that Senate Bill No. 411 be amended as follows and as so amended do pass.

Signed: _____
Senator John "J.D." Lynch, Chair

That such amendments read:

1. Page 5, line 4.
Following: "property"
Insert: "belonging to others"

-END-

Amd. Coord.
Sec. of Senate

401251SC.San

Montana Association of REALTORS®

TESTIMONY ON SB 411

Bianchi Senate Business & Ec. Development Thurs., Feb. 18, '93

Mr. Chairman and Members of the Committee....

For the record, I am Lance Clark, Public Affairs Director with the Montana Association of REALTORS®. An organization representing approximately 2,500 REALTORS®.

I am here today in support of SB 411. The bill before you is about protection of the consumer; the buyer of real property. There have been cases of buyers traveling hundreds and thousands of miles to view property that has been advertised often for leads, but that has not been listed and moreso it isn't even for sale. Ladies and gentlemen of the committee the law needs to be clarified.

The new language in subsection 2 of Section 1 on page five of the bill resolves this very problem. A signed listing agreement must occur between the seller of the properties and the broker or salesperson before property is advertised.

MAR does have an amendment to this legislation on page five: starting on line 4: add after the word property belonging to others, because an individual should be able to advertise his/her own property without an agreement.

With this testimony, I am certain individuals who have experienced this problem firsthand will attest to the problem and the resolve set forth in this bill.

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 9
DATE 2/18/93
BILL NO. SB 411

DATE 2/18/93

SENATE COMMITTEE ON Business & Industry

BILLS BEING HEARD TODAY: SJR-20, SB 74, SB 361, SB 411

Name	Representing	Bill No.	Check One: Support	Check One: Oppose
Bill LEARY	MT. BANKERS ASSN.	SB74	✓	
John CADBY	MT. BANKERS ASSN	SB74	✓	
Mike Sprague	Ponderosa Pawn Inc	361		✓
Jack MacEK	also Smith & Jones Cascade County	361		✓
Ben Brown	1st Nat'l Pawn Inc.	361		✓
DARRYL C. SMITH	Bridger Pawn BZN Silverbow Sales Co. Bzn	361		✓
Lee R. Ash	Cargo Liquidators + Pawn Bkgs	361		✓
Dale W Smith	Smith Bros Pawn Helena			✓
Bob Stephens	MT Grain Growers Ass'n	SJR20	✓	
John Manzer	Teamsters Union	SJR-20	✓	
MICHAEL MIZENKO	GT. FALLS # 139, Plumbers UNION	SSR-20	✓	
Riley Johnson	NFIB	SB74	✓	
F. G. Marceau	UTU	SJ20	✓	
Paul Hawks	NPRC	SJ20	✓	
George V. Paul	Farmers Union	SJR20	✓	
Lance Clark	MT Assn Realtors	SB411	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F10

DATE 2/18/93

SENATE COMMITTEE ON Business & Industry

BILLS BEING HEARD TODAY: SJR-20, SB 74, SB 361, SB 411

Name	Representing	Bill No.	Check One: Support	Check One: Oppose
Don McAndrew	himself - Bozeman Realtor	SB 411	✓	
Michael Smith	MT Pawn Brokers	SJ 161	.	✓
Don Judge	MT STATE AFL-CIO	SJR 20	✓	
[illegible]	MT. St. Council of Electrical Workers	SJR 20	✓	
Pam Bo[illegible]	MFU	SJR 20	✓	
Tim Harris	USWA	SJR 20	✓	
Jamie Doggett	MT Cattlewomen	SJR 20	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F10

BILL NO	REFERRED	HEARING	OTHER CONSIDERATION DATES	EXECUTIVE ACTION/DATE/VOTE	REREFERRED	DATE READ
SB0387	BIANCHI, DON 3/01	3/08	PROHIBIT INSURER FROM CANCELLING INSURANCE POLICY FOR NONFAULT OCCURRENCES	TABLED ON 03/08 VOTE: 10-8		
SB0390	CHRISTIAENS, CHRIS 2/23	3/04	ALLOW ACCESS TO FACILITY WITH ON-PREMISES LIQUOR LICENSE FROM SAME BUILDING	CONCUR AS AMENDED 3/5 VOTE: 18-0		3/06
SB0398	REA, JACK 2/23	3/15	REVISE LANDLORD TENANT ACTIONS	CONCUR 3/15 VOTE: 18-0		3/15
SB0411	BIANCHI, DON 2/23	3/09	REVISE REAL ESTATE ADVERTISING	CONCUR AS AMENDED 3/9 VOTE: 18-0		3/09
SB0419	LYNCH, J.D. 2/23	3/11	USE NONFILING INSURANCE IN LIEU OF RECORDING OR OTHERWISE PERFECTING TITLE	CONCUR 3/11 VOTE: 18-0		3/11
SB0420	LYNCH, J.D. 2/23	3/11	COVER JOINT DEBTORS UNDER CREDIT LIFE OR CREDIT DISABILITY JOINT POLICY	CONCUR 3/11 VOTE: 18-0		3/11
SB0430	CHRISTIAENS, CHRIS 3/31	4/06	GENERALLY REVISE INSURANCE LAWS	CONCUR AS AMENDED 4/6 VOTE: 15-3		4/08
SJ0016	JACOBSON, JUDY 2/23	3/16	URGE BD OF REGENTS TO REQUIRE CREDIT CARD APPLICATION DISCLOSURE ON CAMPUS	CONCUR 3/16 VOTE: 18-0		3/16
SJ0020	YELLOWTAIL, BILL 2/23	3/16	JOINT RESOLUTION URGING CONGRESS TO RESIST FINAL APPROVAL OF NAFTA	CONCUR AS AMENDED 3/16 VOTE: 13-5		3/17
SJ0031	HALLIGAN, MIKE 4/16	4/19	STUDY TORT REFORM	CONCUR 4/19 VOTE: 13-5		4/19

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Call to Order: By CHAIRMAN STEVE BENEDICT, on March 9, 1993, at 8:00 A.M.

ROLL CALL

Members Present:
Rep. Steve Benedict, Chairman (R)
Rep. Sonny Hanson, Vice Chairman (R)
Rep. Bob Bachini (D)
Rep. Joe Barnett (R)
Rep. Ray Brandewie (R)
Rep. Vicki Cocchiarella (D)
Rep. Fritz Daily (D)
Rep. Tim Dowell (D)
Rep. Alvin Ellis (R)
Rep. Stella Jean Hansen (D)
Rep. Jack Herron (R)
Rep. Dick Knox (R)
Rep. Don Larson (D)
Rep. Norm Mills (R)
Rep. Bob Pavlovich (D)
Rep. Bruce Simon (R)
Rep. Carley Tuss ~~(R)~~ (D)
Rep. Doug Wagner (R)

Members Excused: REP. CARLEY TUSS

Members Absent: NONE

Staff Present: Susan Fox, Legislative Council
Claudia Johnson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: SB 362, 386, 411 AND 51
Executive Action: SB 362, 386, 411 AND 51

HEARING ON SB 386

Opening Statement by Sponsor:

SEN. WILLIAM WILSON, Senate District 19, Great Falls, said SB 386 is an attempt to expedite proceedings involving actions for

Opponents' Testimony:

Melissa Case, Montana People's Action, said SB 362 will add an undue burden on the courts. She said the time period may cause an undue eviction and the low income people may not be able to find legal counsel. She asked that current law be left as is and asked for a be not concurred in recommendation.

Questions From Committee Members and Responses:

REP. SIMON asked **SEN. BIANCHI** if this bill isn't setting a precedent for priority in the courts, what happens to the judges if they are too busy? **SEN. BIANCHI** said there isn't any penalty. There are hearing officers that hear these types of complaints.

Closing by Sponsor:

SEN. BIANCHI said this is a fairness issue. When the landlords want to evict someone who won't leave, they are in court for six months to a year. He urged the committee to vote for SB 362.

HEARING ON SB 411

Opening Statement by Sponsor:

SEN. DON BIANCHI, Senate District 39, Belgrade, said SB 411 is an act requiring a real estate broker operating under a franchise agreement to disclose the trade number, if any, by which the office is known and will require the broker who is also the principal to disclose that fact in advertising concerning the property. He said the reason for the bill is on page 5, lines 3 to 11 where it states that a sales person may not advertise a piece of property unless there is a written listing.

Proponents' Testimony:

Don McAndrew, Realtor, Bozeman, said there are realtors who have listed properties when they do not have a written contract, and have sold properties that aren't in existence. He told of an experience where he had a person from Tennessee who called him and asked to see a certain piece of property. He asked the broker who had the property listed, for information to send to this person in Tennessee. The man flew out and they went to the property where the owner of the ranch informed him it was not for sale and never had been. SB 411 will help the realtors police their actions, and add a few words to their current law.

Lance Clark, Montana Association of Realtors, said SB 411 is a basic housekeeping bill, and protection of the consumer for real property. He said the new language in subsection 2, page 5, resolves the problem for realtors and the consumer. It will require that a signed listing agreement must occur between the seller of the properties and the broker before the property is advertised. **EXHIBIT 1**

Opponents' Testimony:

None

Questions From Committee Members and Responses:

REP. BRANDEWIE asked **Don McAndrew** when there is a multiple listing service, is the listing broker the only person who can advertise the property? **Mr. McAndrew** said the listing broker would have to have an exclusive listing. He didn't mean for this to be exclusive only, but to include all listings. **REP. BRANDEWIE** asked what this bill would do for pocket-listings? **Mr. McAndrew** said it would prevent a realtor from publicly listing a pocket-listing in a real estate magazine.

Closing by Sponsor:

SEN. BIANCHI closed stating he had some concerns when drafting the bill regarding the multiple listing. In the case of the person who obtained the listing and signed the multiple listing form, this bill would not prevent that from happening. He pointed out this bill excludes a realtor from having to list their own property, i.e., they do not have to have a signed listing with themselves.

HEARING ON SB 51

Opening Statement by Sponsor:

SEN. DON BIANCHI, Senate District 39, Belgrade, said SB 51 will grant a temporary gaming license when there is an exchange of owners. This is currently being done with the temporary liquor license, i.e., the establishment can sell liquor while they wait for the approval of the license. The granting of this provisional license is at the discretion of the Gambling Control Division, who does not have to issue the permit if they do not want to. He said a person cannot have a temporary gaming license without a liquor license, which takes about 30 days for the Department of Revenue to issue. There is an expiration date of 60 days for the temporary license, but it can be renewed if the Department of Justice has not sent the permanent license. He said the Department of Justice can revoke the temporary authority without any warning if, during investigation, there is some reason to revoke or finding a criminal record.

Proponents' Testimony:

REP. JERRY DRISCOLL, House District 92, Billings, stated his support for SB 51.

REP. DON LARSON, House District 65, Seeley Lake, said he supports SB 51.

EXECUTIVE ACTION ON SB 386

Motion: REP. BRANDEWIE MOVED SB 386 BE CONCURRED IN.

Discussion: None

Motion/Vote: REP. BACHINI called the question. Voice vote was taken. Motion carried 16 - 2 with REPS. WAGNER AND COCCHIARELLA voting no.

Vote: SB 386 BE CONCURRED IN. Motion carried 16 - 2.

EXECUTIVE ACTION ON SB 362

Motion: REP. BRANDEWIE MOVED SB 362 BE CONCURRED IN.

Discussion: REP. SIMON said he is against the do pass motion. He felt the courts should be able set their own priorities for which cases are urgent.

REP. DOWELL said if this bill was a problem for the courts the judges would have testified. He said these are on-going cases and if it is taken care of in the courts, maybe something will be done.

Motion/Vote: REP. BRANDEWIE called the question. Voice vote was taken. Motion carried 16 - 2 with REPS. COCCHIARELLA AND SIMON voting no.

Vote: SB 362 BE CONCURRED IN. Motion carried 16 - 2.

EXECUTIVE ACTION ON SB 411

Motion: REP. BRANDEWIE MOVED SB 411 BE CONCURRED IN.

Discussion: REP. BRANDEWIE offered an amendment. On page 5, line 9, following "advertisement" insert "sub (b). **EXHIBIT 5**

REP. BRANDEWIE called the question. Voice vote was taken. Motion carried unanimously.

Motion/Vote: REP. BRANDEWIE MOVED SB 411 BE CONCURRED IN AS AMENDED. REP. BACHINI called the question. Voice vote was taken. Motion carried unanimously.

Vote: SB 411 BE CONCURRED IN AS AMENDED. Motion carried 18 - 0.

HOUSE OF REPRESENTATIVES
53RD LEGISLATURE - 1993
BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

ROLL CALL DATE 3-9-93

NAME	PRESENT	ABSENT	EXCUSED
REP. ALVIN ELLIS	✓		
REP. DICK KNOX	✓		
REP. NORM MILLS	✓		
REP. JOE BARNETT	✓		
REP. RAY BRANDEWIE	✓		
REP. JACK HERRON	✓		
REP. TIM DOWELL	✓		
REP. CARLEY TUSS			✓
REP. STELLA JEAN HANSEN	✓		
REP. BOB PAVLOVICH	✓		
REP. VICKI COCCHIARELLA	✓		
REP. FRITZ DAILY	✓		
REP. BOB BACHINI	✓		
REP. DON LARSON	✓		
REP. BRUCE SIMON	✓		
REP. DOUG WAGNER	✓		
REP. SONNY HANSON, VICE CHAIRMAN	✓		
REP. STEVE BENEDICT, CHAIRMAN	✓		

HR:1993
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5
3-9-93
411

HOUSE STANDING COMMITTEE REPORT

March 9, 1993

Mr. Speaker: We, the committee on Business and Economic Development report that Senate Bill 411 (third reading copy -- blue) be concurred in as amended .

Signed: _____
Steve Benedict, Chair

And, that such amendments read: Carried by: Rep. Brandewie

1. Page 5, line 3.
Following: "(2)"
Insert: "(a)"

2. Page 5, line 9.
Following: "advertisement."
Insert: "
(b) The provisions of subsection (2)(a) do not prevent a broker or salesperson from including information on properties listed by other brokers or salespersons who will cooperate with the selling broker or salesperson in materials dispensed to prospective customers.
(c)"

3. Page 5, line 10.
Following: "subsection"
Insert: "(2)"

Committee Vote:
Yes 12, No 1.

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Tuesday, March 9, 1993

Montana Association of REALTORS®

EXHIBIT 1
DATE 3-9-93
SB 411

TESTIMONY ON SB 411

Representative Benedict and members of the House Business and Economic Development Committee....

For the record, I am Lance Clark, Public Affairs Director with the Montana Association of REALTORS®. An organization representing approximately 2,500 REALTORS®.

I am here today in support of SB 411. The bill before you is about protection of the consumer; the buyer of real property. There have been cases of buyers traveling hundreds and thousands of miles to view property that has been advertised often for leads, but that has not been listed and moreso it isn't even for sale. Ladies and gentlemen of the committee the law needs to be clarified.

The new language in subsection 2 of Section 1 on page five of the bill resolves this very problem. A signed listing agreement must occur between the seller of the properties and the broker or salesperson before property is advertised.

With this testimony, I am certain individuals who have experienced this problem firsthand will attest to the problem and the resolve set forth in this bill.

EXHIBIT 5
DATE 3-9-93
SB 411

Amendments to Senate Bill No. 411
Third Reading Copy

For the Committee on Business and Economic Development

Prepared by Susan B. Fox
March 9, 1993

1. Page 5, line 3.
Following: "(2)"
Insert: "(a)"

2. Page 5, line 9.
Following: "advertisement."
Insert: "
(b) The provisions of subsection (2)(a) do not prevent a broker or salesperson from including information on properties listed by other brokers or salespersons who will cooperate with the selling broker or salesperson in materials dispensed to prospective customers.
(c)"

3. Page 5, line 10.
Following: "subsection"
Insert: "(2)"

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Business & Ec. COMMITTEE BILL NO. SB 411

DATE March 9, 1993 SPONSOR(S) W. Bianchi

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Lance Clark	MT Assn Realtors	✓	
Don McAndrew	Realtor	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.